

MAY 05 2005

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *DENISE RUNDE*Application No.: *09/772,201*Art Unit: *3626*Filed: *01/29/2001*Examiner: *Bleck, Carolyn M*

Title:

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 250.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of letter (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/09/2005 EFLDRES 00000050 09772201

250.00 DP

01 FC:1999

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Denise M. Runde

Signature

May 5, 2005

Date

DENISE M. RUNDE

Typed or printed name

1202 Shorewood Blvd

Address

Madison, Wisconsin 53705

Address

Registration Number, if applicable

608-821-4110

Telephone Number

650-303-8131

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

5/05/2005

Date

Denise M. Runde

Signature

Denise M. Runde

Typed or printed name of person signing certificate



## Applicant Initiated Interview Summary

Applicant No: 09/772,201  
Examiner: Bleck, Carolyn M

First Named Applicant: Denise Runde  
Art Unit: 3626 Status of Application: Petition to Revive

**Participants:**

Carolyn M Bleck (Examiner)  
Denise Runde (inventor)

Date of Interview: 17 March, 2005

Type: Telephonic

Substance of interview: I, Denise Runde, applicant for patent called the Examiner's office to discuss the fact that I had been informed that my patent had been abandoned. I received notice from my attorney that they had withdrawn from representing me on this application. I had moved several times and had not submitted a change of address to the USPTO or my attorney. For this reason I asked the examiner how to proceed with a request to revive my application.

The examiner suggested that I call Customer Service to obtain help regarding filing a petition to revive.

I spoke with customer service and am submitting the petition along with responses to the prior office action request of September 10<sup>th</sup> 2005. And a credit card authorization in payment of fee of 250.00 US as a small entity to revive the patent.

The interview summary was mailed to me on April 6, 2005.

Thank you,

Sincerely, Denise Runde

Application number: 09/772,201

Filing Date: 01/29/2001

Inventor Name: Denise Runde

Page 1

**Response to office Action of September 10<sup>th</sup>, 2004**

**Claims: 1-10**

Claim 1. A system for the delivery of health care, the system comprising:

The use of a "disposable infection diagnostic strip" constructed of paper or thin wood treated with a chemically reactive agent that is sensitive to the presence of infection specifically infections related to a urinary tract. The "disposable infection diagnostic strip" or DIDS is designed such that it can be read by a device designed to capture and transmit the color of strip. (Drawing #1 figure 2)

Under this system, the individual (patient) urinates on the disposable infection diagnostic strip, or dips the chemically treated strip into a urine sample. The chemically treated area of based on the presence of infection. The intensity of the color, or the color itself, will correspond with the type of infection present and the degree of infection. (Drawing #1 figure 2).

The patient (individual) inserts the strip into the reader/device that is designed to capture the color (like a digital camera and captures color photos). (Drawing # 1 figure 2)

The color "imprint" along with other identifying information on the patient is transmitted from the reader/device through a computer cable to a computer or directly via a wireless system to the internet and to a secure web site managed by the health care system. (Drawing #1 figure 3).

The transmitted data/ information from the reader/device is accessed through a secure web site by a certified laboratory technician or other certified health care provider currently licensed to read urinary test results in a physicians office or laboratory. (A health care provider, laboratory technician, or independent diagnostic and testing facility personnel). Drawing #1 figure 4)

The transmitted data is automatically compared to the built in color charts to define the scope and type of infection based on pre set algorithms designed to match the color changes of the diagnostic strip and the presence or absence of infection or disease.

The health care provider reviews the presented information and follows the embedded protocols based on published evidence based medical (EBM) practice to determine next course of action. (Drawing #1 figure 5)

If an infection is present, the health care provider submits the information either electronically or through paper print out/fax to a licensed/certified physician to take

Application number: 09/772,201

Filing Date: 01/29/2001

Inventor Name: Denise Runde

appropriate clinical action. In most cases this will involve ordering an antibiotic or other prescription to combat the specific bacteria or infection indicated by the transmitted color of the "disposable diagnostic infection strip". (Drawing #1 figure 6).

Treatment may be ordered electronically through the use of e-prescribing, e-visit and or electronic signature. This type of prior art exists through companies such as Relay Health, e-scribe, epocrates etc. (Drawing #1 figure 7)

The patient is notified via email or telephone of the test results by the health care system, either the physician, pharmacist or other team member. The patient is informed of appropriate treatment (prescription ordered, additional tests required etc.) based on physician ordered care plan. (Drawing #1 figure 8)

The information from the secure website on the diagnostic and treatment provided is forwarded to the patient's electronic medical or personal health record, which ever is available and permitted by legal and technical means.

2. The system described in claim 1, where in the disposable diagnostic infection strip is inserted into a photo active device that can capture the color of the strip. The device is pre programmed to stamp the date and time, patient initials, date of birth and weight and or other patient identifying markers (medical record number) (credit card number).
3. The system described in claim 1 where in the person providing the urine onto the "colored strip" activates the device described in claim 2 to transmit the data to the secure server where it can be opened and 'read" by the health care system, laboratory or diagnostic and testing facility.
4. The system described in claim 1 where in the reviewing health personnel have access to other clinical information on the patient through electronic medical records to assess the potential allergies, or complications associated with the potential urinary tract infection.
5. The system described in claim 1 where in the "secure web site" contains preprogrammed colors against which to match the transmitted color with algorithmic and progressive indicators of interpretation of disease.
6. A system of health care delivery that comprises at least one device or paper that is treated chemically such that it changes color based on the presence of infection in the urine, and a device that can read the color electronically, such as a digital camera, whereby the color and patient identifying information can be transmitted to a HIPPA secure web site such that the software at the receiving web site can match the color of transmission to a color metric embedded in the web site's software to indicate presence or absence of infection.
7. A system of health care delivery that provides an algorithm in keeping with clinically approved best practice for the treatment of urinary tract infection
8. A system of health care delivery that interfaces electronically with other pertinent clinical information on the patient to determine best course of treatment for individual with urinary tract infection.

Application number: 09/772,201

Filing Date: 01/29/2001

Inventor Name: Denise Runde

9. A system of health care delivery that provides the digital transmission of urinary tract infection color metrics to the electronic medical record through the use of existing art for transfer of digital x-rays (PACS).
10. A system of health care delivery that allows the prescribing physician to order appropriate treatment electronically.